

1873-009 Chancery Causes: Adm. of Edward Callihan vs. Andrew Callihan &c
Lee Co.

Hutton, Callahan, Speak, Jackson, Matlock, Wyreck,
Smith, Richmond, Miles, Wyrick

CA-Debt
T-Property

24
To the Honorable Henry J. Morgan Judge
of the County Court of Lee County;

The Bill of Complaint of William J. Hutton Administrator of the estate of Edward Calliham deceased humbly Complaining respectfully represents that Edward Calliham deed. His decedent died some time about the Year 1864 in Camp Douglas leaving no personal property known to your Orator but he owned at the time of his death an interest in the 300 acre tract formerly owned by Ezekiel Calliham deceased he the said Edward Calliham deceased being a son and heir of the said Ezekiel Calliham deed. His interest being the one undivided sixth part of the said 300 acre tract which is subject to the dower of the Widow, ^{or life estate as claimed by the widow} of the said Ezekiel Calliham deceased and the said Undivided one sixth part thereof being subject to the dower interest of the ~~said~~ widow ~~of the said Edward Calliham deceased who afterwards~~ ~~of the said Edward Calliham deceased~~ ~~who afterwards~~ ~~intermarried with one Gabriel Jackson and lives in the State of Kentucky.~~ The said Edward Calliham deceased died without any children. Your orator alleges that he was appointed Administrator at the Term of the County Court of Lee County in the Year 1870 but he is unable to find any personal assets of his decedent with which to discharge the debts of the estate which debts will not amount to less than the sum of \$100.00 which would be about the value of his interest in the land in its present encumbered condition with dowers & the claims of Mary Calliham as life owner of the same

interest in the
Your Orator alleges that the land before mentioned
will have to be subjected to the payment of
the debts due by and from the decedents estate.

Now the object of this bill is to subject the
decedents interest in the 300 acre tract aforesaid
or so much thereof as may be necessary to the
payment of the decedents debts.

Your orator being without an adequate remedy
at law and redressable only in a Court of Equity
his prayer therefore is that Andrew Calliham
John Calliham John Speak and Susan Speak his
wife and the Creditors of Edward Calliham decd.
Rachel Speak William Hutton and Sarah M. Hutton
his wife Stephen Matlock and Jane Matlock his wife
and Waman Wyreck Ellen Wyreck & Ezekiel Wyreck
infant heirs of Eliza Wyreck decd and the
Said William Hutton as Guardian of the Said
Waman Ellen & Ezekiel Wyreck be all made the
partys defendant to this bill and that they be
summoned to answer the same upon their oaths
and that a Guardian ad litem be appointed
to appear answer and defend in this cause for
the said minors to wit, Waman Wyreck, Ellen
Wyreck and Ezekiel Wyreck and that upon
a hearing of this cause a Commissioner be ap-
pointed to take state and settle an account
in this cause and to ascertain the value ^{and quantity} of
the decedents interest in the land and the an-
nual rental value of the same and to con-

-vene the Creditors of the estate of Decedent and
ascertain the amount of outstanding debts a-
gainst the same and if necessary to subject
the interest in the same to the decedents debts
and such other further and General relief
be extended to your Orator as may be
consistent with equity and Justice and best
suited to his case. May the Commonwealths writ
of Spa. issue directed &c. Miller for Compl't.

30
 22.
 52-
 4.31
 \$ 56.31
 54.21
 10.00
 64.21

54.21
 5.00
 59.21

William Hutton admr.^{H.}
 vs. Bill in Chy,
 Andrew Calliharn
 & others

To The Honorable Henry
of the County Court of Lee Co.

The Bill of Complaint of William
Administrator of the estate of Edward Calliham
who sues for the benefit of the Creditors
Edward Calliham deceased humbly Com-
would respectfully represent that he is
-pointed Administrator of Said estate on the
of 18 and has learned that the
personal assets is wholly insufficient to pay
decedents debts but the decedent left an
interest in some real estate in this County
which is liable to his debts &c.

Leveto.

B \$9.00

A 15.00

S 4.00

Gasbiter 5.00

Cour. 13.40

\$46.40

\$1,000 paid 1/2000
by the
April 1st 1877

pd. to sample paid
direct.

Estimated cost \$8.00

Wm. Hutton Admstr.

vs. Bill in Chy

John V. Andrew
Callahan & others

1871. Feb Bill filed & Spa Exec &
Decree nisi.

" March Decree nisi confd & contd.

" April, Cause set for hearing by P. J.

" April Term. Decree & contd.

" May, June & July continued.

" Aug. contd. Sept. Decree &
contd.

" Oct. contd. & Nov. contd.

" Dec. Term. Decree & contd.

1872 Jan, Feb, March & April contd.

" May, June, July & Aug. contd.

" Sept. Oct. & Nov. contd.

" Dec. Decree & contd.

1873 Jan Decree final

C. 14.31

A. 15.00

S. 4.00

C. A. L. 5.00

Cour. 13.40

Cour for Dec. 2.30

\$54.21

To the Hon. Henry J. Morgan, Judge of the County Court of Lee
County, in Chancery sitting :-

The joint answer of Waman Wyreck, Ellen Wyreck, and Cyril
Wyreck - infant heirs of Elihu Wyreck dec'd - by John B. West,
their Guardian ad litem, to a Bill filed in this Court against
said infants and others by William J. Hutton - administrator
of the estate of Edward Callahan dec'd - respectfully represents,
That your respondent now, and at all times hereafter, re-
serves to himself the benefit of all proper and legal exceptions
to said Bill which would in any wise prejudice the interest
of his wards at law; and for further answer thereto saith, that
he neither admits nor denies the allegations of Complainant's Bill,
but prays that your Honor will guard the interest of these
infants in any and everything that relates to their rights in
the premises, requiring of Complainant strict proof of all
doubtful matters and statements bearing upon their rights,
and extend to them that protection and peculiar guardianship
which have ever been granted by Courts of Equity, and
having answered as fully as is deemed necessary or
material, your respondent prays hence to be dismissed
of costs.

John B. West, Guardian ad litem

Given to before me this, 20th, day of April 1871.

James N. Orr, Clerk in C. Ct.

Wayman Wyck + others
- infants.

ads. } Answer of Guardian
 } ad litem.

William J. Sutton.
1871 April Term. Filed

Mrs. J. Hutton administrator &c. Plff }
Against } Decree final
John and Andrew Calliham & others Defts }

This Cause came on this day again to be heard upon the papers formerly read in the Cause and the report and deed accompanying the same of David Miller Commissioner who was appointed by a former decree of this Court to make a conveyance of said land to John Speak the purchaser or such person as he may direct and was argued by Counsel and it appearing to the Court that said report and deed had been filed in the Clerks office in this Cause for more than ten days before this term of the Court and no exceptions having been filed thereto It is adjudged ordered and decreed that said report and deed be and are hereby confirmed and the said David Miller is hereby directed to acknowledge the said deed and deliver the same for record. and John Speak the purchaser is hereby ordered and directed to pay the balance of the costs of the suit to David Miller the Commissioner and nothing further appearing necessary in this Cause the same is ordered to be stricken from the docket.

Wm. J. Hutton admr. &c.

vs. Decree final

John & Andrew Callahan
& others

Entered order Book page
194 + 195

James W. Orr. Clerk.

Enter this Decree

H. Morgan

Jan 21st 1873

Wm. J. Hutton admr. &c.

against

Andrew Calliham & others

} Decree in Chy

This Cause came on this day further to be heard upon the papers formerly read in the Cause and the report of Sale by Commissioner David Miller filed in the Cause March 15th 1872 and was argued by Counsel, and the said report being unaccepted to is Confirmed and it further appearing that John Speak became the purchaser of the land in the bill mentioned at the price of two hundred dollars out of which sum he paid the Costs of this Suit amounting to about \$52.00 leaving \$148.00 yet due on said Sale and it further appearing that all the Claims reported against said estate by Commissioner Field are due said John Speak and that they amount in the aggregate to more than \$148.00 It is therefore adjudged ordered and decreed that inasmuch as the said Claims are due to the said John Speak and he being the purchaser of said land that David Miller be and is hereby appointed a special Commissioner for the purpose who is directed to ~~pay~~ ^{convey} to said Speak ~~or~~ or such person as he may direct with Covenants of special warranty the reversionary interest of Edward Calliham decd in the lands in the bill mentioned and he will report his action to the Court at the ~~next Term~~ and the cause is continued

Wm J Hutton admr.

23. } Deere

Andrew E. Callahan sub.

Entered Order Book, Page
183.

James W Orr, Clerk

Enter this Deere

H. J. Morgan

Decr. 17th 1872

Wm. J. Hutton admr. &c.

Plff.

against

John & Andrew Callahan & others Defts.

} Decree against
J. W. Bailey's claim

This Cause this day Came on again to be heard upon the papers formerly read in the Cause and the supplemental report of Comr. Samuel Field and the additional evidence of witnesses and was argued by Counsel and the said report having been filed in this Cause the time required by law and no exceptions having been filed thereto the same is hereby confirmed and from all the evidence filed in this Cause it appears to the Court that said judgments claimed by John W. Bailey are fully paid and are therefore disallowed and David Miller a Comr. appointed by a former decree in this Cause entered at ^{Tenn 1891} September, is directed to sell the land in the bill mentioned in pursuance of said decree and the Cause is continued

Wm. Hutton admr VC,
vs. ² Decree against
J. W. Baileys Claims
John & Andrew Colliham
& others

Entered O.B. p 455-6
J.B. West, D. Clk

Entered this Decree
H. J. Morgan
Dec. 20. 1871

William J. Hutton administrator
of Edward Calliham Deceased Complt
against
John Calliham and son Cal-
iham and others Defts } Decree
in Chy.

This Cause came on again to be heard upon the papers formerly read in the Cause and the report of Samuel Field Special Commissioner appointed by a former decree of this Court to take an account in this Cause and was argued by Counsel and it appearing to the Court that the said account and report have been filed a sufficient length of time and no exceptions having been filed thereto the same are hereby confirmed, On consideration of which it is ordered adjudged and decreed that the following claims stated in the Creditors account filed by Samuel Field Commissioner with his report be and are hereby allowed and confirmed to wit: The Claim of Susan Calliham for \$39.50 principal and \$24.42 interest, and the Claim of H. Baylor & Brothers for \$25.25 principal and \$15.54 interest, and the Claim of Susan Calliham on a note of Edward Calliham to Silas Wolf for \$18.00 principal and \$7.92 interest:

But the Claims of the judgments of Edward Snodgrass for \$5.53 principal and \$1.10 Costs and \$3.39 interest and the Claim of the judgment of Lane & Richmond for \$12.46 principal and \$1.10 Costs and \$7.93 interest being claimed by John W. Bailey and his Claim thereto being disputed the said Claims are recommitted to Samuel Field

the Commissioner who made the report in this
 Cause for further proof as to his right to said
 judgments and whether or not the said judgments
 have been paid and it further appearing to
 the Court that there are no personal assets of
 Decedent Edward Callihams estate with which
 to pay the debts It is further adjudged ordered
 and decreed that David Miller be and is hereby
 appointed a Special Commissioner whose duty
 it shall be to sell the ^{necessary interests of the} real estate of Edward Cal-
 liham deceased ^{in the bill mentioned} or so much thereof as may be
 necessary to pay the debts of the estate and the
 Costs of this suit & expenses of sale at public
 outcry to the highest bidder for cash sufficient
 to pay the Costs of this suit and expenses of sale
 and the residue to be paid in three annual pay-
 ments with interest from date for which the said
 David Miller will take bonds of the purchaser
 with good security reserving the homestead but
 before making said sale he shall advertise the
 time place and terms of sale for four weeks
 at the front door of the Courthouse and at
 two or more public places in the County, and
 the Cause is continued till next term.

Approved of the return
 of E. Callihams and

17. Decree for sale

John & Andrew
 Callihams & others

Entered 0.13. pages
 370 + 371.

J. W. Westcott.

Enter this decree

H. H. Morgan
 Sep 19 - 1871

William Hutton Admr. & C. Complainant }
against } Deere
John and Andrew Calliham & others Defts } in Chy

This Cause Came on to be heard upon the bill filed in this Cause and on motion of Complainant ~~Deere~~ John B. West was appointed Guardian ad litem for Waman Myreck Ellen Myreck and Ezekiel Myreck The infant defendants who asked leave to file his answer which being granted his answer was accordingly filed and thereupon this ~~bill~~ ^{cause} Came on to be heard upon the bill of Complaint and answer of John B. West Guardian ad litem and was argued by Counsel And it appearing to the Court that process had been duly served on John Calliham Andrew Calliham John Speak and Susan Speak and had been returned duly executed on them at February Rules 1871 and it further appearing that William J. Hutton Sarah M. Hutton William J. Hutton Guardian for Waman, Ellen and Ezekiel Myreck and the said Waman Ellen and Ezekiel Myreck by William J. Hutton their Guardian on the 7th day of April 1871 accepted the service of a summons and waived the proceedings at rules in this Cause and this Cause was therefore set for hearing as to them all ~~except~~ the Defendants except Stephen Matlock and Jane Matlock ^{& Rachel Speak} and the said John Calliham Andrew Calliham John Speak and Susan Speak his wife William J. Hutton and Sarah M. Hutton his wife & William J. Hutton Guardian for Waman Ellen and Ezekiel Myreck having failed to

appear and answer the Complainants bill
it is therefore taken for Confessed as to them
On Consideration of which it is adjudged or-
dered and decreed that Samuel Field be and
is hereby appointed a Special Commissioner
whose duty it shall be to take State and settle
the administration account of William J. Hutton
Administrator of the estate of Edward Callahan
deceased to convene the Creditors and ascertain
the outstanding debts against decedents estate
and marshall ^{the} assets of said estate and to ascertain
if decedents real estate will have to be subjected
to the payment of the debts and if so whether
or not the rents and profits of the decedents
real estate will pay the debts in five years,

Wm J. Hutton

as { Decree

John Callaghan & al

Entered this Decree
H. J. Morgan
April 1871

Virginia

At a County Court begun & held for Lee County, at the Court House thereof, on Monday, the 18th day of Sept. 1871.

William J. Hutton, admr. of Edward Caliham dec'd Compt

against

John Caliham, Andrew Calihams & others

Defts

In Chancery

xxxxxx On consideration of which, it is ordered, adjudged, and decreed that the following claims stated in the creditors' account filed by Samuel Field Commissioner, with his report, be and hereby allowed and confirmed, to wit: The claim of Susan Caliham for \$39.50 principal + \$24.42 interest, and the claim of "H. Baylor & Bros" for \$25.25 principal and \$15.54 interest, and the claim of Susan Caliham on a note of Edward Caliham to Silas Wolf for \$18.00 principal, and \$7.92 interest. But the claims of the judgments of Edward Snodgrass for \$5.53 principal and \$1.10 costs, and \$3.39 interest, and the claim of the judgment of "Lane & Richmond" for \$12.46 principal and \$1.10 costs, and \$7.93 interest being claimed by John W. Bailey, and his claim thereto being disputed, the said claims are re-committed to Samuel Field, the Commissioner who made the report in this cause, for further proof as to his right to said judgments, and whether or not the said judgments have been paid. and it further appearing to the Court that there are no personal assets of decedent Edward Caliham's estate with which to pay the debts, It is further adjudged, ordered, and decreed that David Miller be and is hereby appointed a Special Commissioner, whose duty it shall be to sell the reversionary interest of the real estate of Edward Caliham deceased in the Bill mentioned or so much thereof as may be necessary to pay the debts of the estate, & the costs of this suit & expenses of sale, at public outcry, to the highest bidder for cash sufficient to pay the costs of this suit and expenses of sale, and the residue to be paid in three annual payments with interest from date, for which the said David Miller

will take bonds of the purchaser, with good security, waiving
the Homestead, but before making said sale, he shall advertise
the time, place, and terms of sale for four weeks at the front door of the
Court House and at two or more public places in the County, and
the cause is continued till the next term.

Teste - John B. West, D. Clk.

Wm. F. Shulton, admr.

203 Copy of Decree

John Calkins & others

Execution of Decree
to said parties
of the County
of Adams
1875

Virginia.

At a County Court begun & held for Lee County, at the
Court House thereof, on Monday, the 18th day of Sept. 1871.
William J. Hutton, Adm^r of Edward Caliham dec'd Complt
against
John Caliham, Andrew Caliham & others - - - - - Defts

In Chancery.

xxxxxx On consideration of which, it is ordered, adjudged, and decreed that
the following claims stated in the creditor's account filed by Samuel
Field, Commissioner, with his report, be and hereby allowed and confirm
ed, to wit: The claim of Susan Caliham for \$39.50 principal + \$24.42
interest, and the claim of "H. Bayler & Bros" for \$25.25 principal
and \$15.54 interest, and the claim of Susan Caliham on a note of
Edward Caliham to Silas Wolf for \$18.⁰⁰ principal and \$7.92 inter
est. But the claims of the judgments of Edward Snodgrass for
\$5.53 principal and \$1.10 costs; and \$3.39 interest, and the claim of
the judgment of "Lane & Richmond" for \$12.46 principal and \$1.10 costs,
and \$7.93 interest being claimed by John W. Bailey, and his claim
thereto being disputed, the said claims are re-committed to Samuel
Field, the Commissioner who made the Report in this cause for further
proof as to ^{his} right to said judgments, and whether or not the
said judgments have been paid xxxxxxxx

Teste - John B. West, D. clk.

A copy - Teste - John B. West, D. clk.

Wm J. Hutton, admr. &c.

vs. } Copy of Decree of Court

John Calhoun & others.

For Samuel Field
Commissioner

Virginia.

At a County Court continued and held for Lee County, at the Court-
House thereof, on Tuesday, the 18th day of April 1871.

William Hutton, admr. of the estate of Edward Calliham dec'd Plff
against
John & Andrew Calliham & others - - - - - Defts. } In Chy.

xxxxxx On consideration of which, it is adjudged, ordered; and
decreed that Samuel Field be and is hereby appointed a Special
Commissioner, whose duty it shall be to take, State, and settle the
administration account of William J. Hutton - administrator of the estate,
of Edward Calliham deceased, to convene the creditors, and ascertain
the outstanding debts against decedents' estate, and marshal the assets
of said estate, and to ascertain if decedents' real estate will have
to be subjected to the payment of the debts, and if so, whether or not
the rents and profits of the decedents' real estate will pay the debts in
five years.

A copy -

Lesbe - John B. West. D. Clk.

5.39
6.03

13.56
7.93

Wm. Hutton, admsr. &c.

203 Cops. of Denver.

Jos + Edward Callahan

Dr. Saul. Field

Spec. Comr. in Chg. &c.

Special Commissioner Office Laramie, Wyo. Co. 1st
William L. Rutter Esq of
Edward Calliham, deceased Pff.

12
John Andrew Calliham Dep. } In Chancery
The depositions of Elisha Smith and others taken
before Samuel Field a Special Commissioner at his
office in the Town of Laramie on the 9th day of August
1871 in the above case, and according to the principles of said
decree, as to rental value of the land in the bill mentioned.

Elisha Smith a witness of lawful age after being
duly sworn according to law Says that he is tolerably
well acquainted with the lands lately owned by Ezekiel
Calliham deceased of which the Decedent Edward
Calliham inherited a part and from his knowledge
of said lands his judgment is that \$25. or \$30. per
Year for the home tract occupied by the widow
would be a fair rent for the same and for
the 100 acre tract his judgment is that \$30. or \$35.
per Year would be a fair rent for the same
but each tract might rent for more or they might
rent for less. And further this deponent Says
not. Elisha Smith

Deposition of
Eliza Smith
11

Ex (R)

Special Commissioner's Office, Smith, Lee Co Va.
William Patton, Adm'r, Plff
against
Anderson, Callahan, and others Defs. In Chancery

The deposition of Marvin, Richmond and others taken before me, Samuel T. Smith a Special Commissioner in Chancery in the above named case pursuant to a summons hereto annexed and according to the interlocutory decree of the Circuit Court of Lee County rendered Sept 19th 1878 to be read as evidence in behalf of William Patton, Administrator Plff and John and Andrew Callahan are Defendants.

Charles Smith a witness in the above case, after being duly sworn according to law deposeth and saith.

1st Question, State whether or not the said judgments have been paid.

1st Answer, I took John W. Bailey two notes to satisfy the judgments in lieu of the mule being upon by me in the possession of Sabin Jackson.

When I went to John W. Bailey I told him I had a mule on the mule and I would have to take it; John W. Bailey then said if I would not take the mule he would execute his note for the Edward Snodgrass Judgment principle interest and cost which as near as I can recollect was some Six dollars the cents I do not remember. At the same time John W. Bailey executed his

his note for the Lane & Richmond judgments -
principles, intent, and cost.

2^d Question, Did John W. Bailey voluntarily give
his two notes to satisfy the two judgments or not?

2^d Answer He voluntarily gave his two notes as hereto
fore stated,

3. Question Did you not make a levy of one Corral
Mule of February 20th 1861 in possession of Sabius Jackson
also a levy of sixteen head of hogs and two yearling
calves, of April 1st 1861.

3 Answer I did.

4th Question How did John W. Bailey come into
possession of said Corral mule.

4th Answer I do not know.

5th Question, What did you do with the Lane & Richmond
Judgments, John W. Bailey's note, which you took for
to answer the Lane & Richmond judgments.

5 Answer, I took the note to Marion S. Richmond
who took the same and delivered to me my Constable
receipt for the same.

6th Question, What did you do with the John W. Bailey
note which you took for the Snodgrass judgments.

6 Answer, I placed John W. Bailey's note into the
hands of James Miles Constable by order of Edward
Snodgrass.

7th Question, Did the two notes of John W. Bailey satisfy
the two judgments so far as your duty was as a collecting
officer.

7th Answer They did.

Charles Smith

I Samuel Field a Special Commissioner do hereby certify
that the foregoing deposition was duly taken sworn to and subscribed

before me at the place mentioned therein,
Elisha Smith
1871. 15th
I am under my hand this 30th day of October
James. Field Special Com.
There being no further witness present, the taking of the
deposition is continued until the 17th of November 1871
Egbert Anderson
for services of witness 40¢

The deposition of James. Miles agreeably to postponement
on the 7th day of November 1871 after being duly sworn
according to law deposeth and saith.

1st Question Do you any recollection of a Note of John. W.

Baileys being placed in your hands for collection by
Elisha Smith Constable in reference to the Brood of Judge
1 Answer I have.

2nd Question Was the said Note paid by John. W. Bailey

2 Answer It was.

3rd Question What the Date you any recollection of the date
of said Note against John. W. Bailey and the
amount.

3 Answer I do not recollect but so far as my recollection
is the amount was or is about \$10.00 the date I
do not recollect of said note

4th Question To whom did you pay the said debt Note

4 Answer To Charles H. Lamb.

5th Question By whose order did you pay the same.

5 Answer By order of Elisha. Smith by reason of an
assignment which I had in my hands against
Elisha Smith.

And then the deponent sayeth nix.

The deposition of ^{Garnett Wiley} ~~Marion S. Richmond~~ after
being duly sworn deponent and sayeth

1st Question Have you any recollection of a Note of
John W. Bailey delivered to you by Elijah
Smith Constable given for the Lang & Richmond Judge

1st Answer I hold such a note.

2d Question Has the said note ever been paid

2. Answer No

3 Question Have you the date of said note and the
amount.

3 Answer The date of said Note July 12th 1861 am^t
\$24.20 of 4 cents of interest.

And then the deponent sayeth nix

M. S. Richmond

I James Field a Special Commissioner in
the above cited case do hereby certify that the above
depositions of James Miles and Marion S. Richmond
was duly taken and sworn to, before me at the
time and place herebefore mentioned.

7th November 1871

Given under my hand this 7th day of
November 1871

James Field Special
Commissioner

From L. Stutton, Administrator of the Estate
of Edward Callahan, deceased in account with
the Creditors of said Estate

1871

Interest Principal

Aug 3	To this sum due Susan Callahan on				
"	" account bearing date from 1861 to Jan				
"	" 1863 for				\$39.50
Exp (A)	Interest from March 7 th 1861 to Jan 1863	\$4.28			
"	" " from January 1863 to July 3 rd 1871	20.14			
"	"				
"	To this sum due W. Bayless Owens on				
"	" Note for \$25.25 bearing date 18 th day of				
Exp (B)	March 1861				\$25.25
"	Interest on same from 19 th day of March				
"	1861 to July 3 rd 1871	15.54			
"	"				
"	To this sum due on Judgment at Law				
"	for \$30.32 the penalty of the bond but to				
"	be discharged by the payment of \$15.16				
"	with interest from Dec 22 nd 1860 to the said				
Exp (C)	and the costs \$. 60 & . 50 subject to a Cr				
"	April 15 th 1861 by Cash \$10.00 Edward Snod				
"	grass as Gabriel Jackson & Edward Callahan				
"	date of Judgment July 16 th 1861 - -				
"	Balance of principal due April 15 th 1861				\$5.53
"	Costs				1.10
"	Interest on \$5.53 from April 15 th 1861 to				\$7 1/2 38
"	July 3 rd 1871	3.39			
					\$43.35

1871

Settlement

July 3	To this sum of principle but for	\$1.38
"	" " this sum of interest but for	\$13.35
"	"	
"	To this sum due Lane & Richman as Subj	
"	" Lockman Edward Callahan Judgment	
"	" at Law for \$24.92 the penalty of the bond	
"	" but to be discharged by the payment of	
Ex (D)	\$12.46 with interest from Nov 22 nd 1860	
"	" till paid the costs Comt 60¢ & Att 50¢	
"	" Sum of principle due Nov 22 nd 1860	12.46
"	" Costs	1.10
"	" Interest on \$12.46 from Nov 22 nd 1860 to	
"	" July 3 rd 1871	7.92
"	"	
"	To this sum due Susan Callahan	
"	" on Note of Edward Callahan to Silas	
Ex (C)	Welf bearing date March 1 st 1864 for	18.00
"	" " interest on same from March 1 st 1864	
"	" to July 3 rd 1871	
		\$7.92
	To this sum of principle due July 3 rd 1871	\$102.94
	To this sum of interest due " " "	\$59.20

Wm L. Hutton Admrs
of Edward Callahan decd
Lr of
With the Creditors of said
Estate.

Ex (A)

Comrs for \$29.00-

Report

Special Commissioner office, Lenoirville, Tex. Co. 15
William Austin Admin of the
estate of Edward Callahan dec'd. Deft

John & Andrew Callahan & others Defts. } In Chancery

To the Honorable Perry. L. Morgan, Judge
of the County Court of Lenoir County in Chancery sitting

Pursuant to a decree rendered at a County
Court on Tuesday the 18th day of April 1871 in the
above named case as Special Commissioner therein
and on the 1st day of June 1871 I posted notices
on the Court House door of said County to carry
out the principles of said decree, and on the 3^d
day of July 1871 I proceeded to state, settle and
adjust the same, and among other things it was
decided, that the said Commissioner should take
state, and settle the administration account of
William L. Austin administrator of the estate
of Edward Callahan dec'd. upon examination I
found, that there was no personal property left by
said decedent, therefore there was no administration
account to file or state in the above decree, which
closes the first principles of said decree.

The next in order was to examine the credits
and ascertain the outstanding debts against
decedent's estate, and marshal the assets against
said estate, by reference to the Creditors account
herewith filed marked (A), the following claim
was laid before me viz one account due Sarah
Callahan bearing date from 1861 to January
1863 for \$39.50, and interest thereon amounting
to \$24.42, to this sum due N. Baylor & Brother on
note for \$25.25 & bearing date 18th day of March 1861

and interest thereon to July 3^d 1871 amounting to \$15.54 to this sum due Edward Snodgrass on a judgment at law against Sabin Jackson and Edward Callahan for the sum of \$5.53 balance due costs \$1.10, and interest due thereon to July 3^d 1871 amounting to \$3.39, the sum due Lane & Richmond as Sabin Jackson & Edward Callahan Judgment at law for sum of principal due of \$126.46 and \$1.10 cents and interest thereon to July 3^d 1871 amounting to \$7.93 marked (B) the above two debts were claimed by J. W. Bailey, and was accepted to by the administrator I therefore summoned Elijah Smith and J. W. Bailey before me to ascertain the facts in relation thereto the evidence is herewith filed with the original return of Elijah Smith. Constantly the Court can decree to whom the money should be paid. To this sum due Susan Callahan in note of Edward Callahan to Silas Wolf bearing date March 1st 1864 for \$18.00, and interest thereon to July 3^d 1871 amounting to \$7.92 - total sum of claims \$402.94 principal and \$59.20 interest this closes the second principle of said decree. The next principle of said decree was, whether or not the rents and profits of the decedent's real estate would pay the debt in five years, to ascertain that fact, I took the deposition of Elijah Smith marked (B) reference thereto had with more fully appear, your Honor is also referred to the record of and remarks thereto.

By Deed dated Apr 26th 1849, and admitted to record in the 2nd of January 1851 Ezekiah Calliham Sr dec^d. conveyed to Mary Calliham his wife the tract of land on which she now lives, it being

the 300 acre tract during her life, and then it falls to his son Andrew Calliham. Edward (the decedent) Parker, Ezekiah Sr John & Mary, and by said deed the said Edward the decedent is only entitled to the one sixth part of said tract after the said Mary Calliham's death, and she is still living and the widow of the decedent is still living and is entitled to Dower in the said sixth part, at the death of Mary Calliham so that no rents can be drawn until the said Mary Calliham death and then if his widow is still living only two thirds of the rent of the one sixth part can be realized the rental value of the whole tract at \$2500 or \$3000 per year would be a mere trifle in fact, your Honor will perceive that the rent of the whole tract free from all incumbrances will not in five years pay the debt interest & costs against the estate which closes the last principle of said decree.

All of which is respectfully submitted

Samuel. Peck Special Commissioner

Reports with Credits
Account, Wm L. Hutton adm
of Edward Callahan, decd

John & Andrew Callahan
et al—

Filed August 17th 1871.

James W. Orr, Clerk.

In Bal. \$9.00.

To the Honorable Henry. L. Morgan Judge of the
County Court of Lee County in Chancery sitting.

Report.

William. L. Button Adm^r of Edward Callahan dec^d & Corp^s }
against }
John Callahan, Andrew Callahan & others }
Sept 1871

Pursuant to an interlocutory decree rendered
on Monday, the 18th day of Sept. 1871 of the Court of Lee in
the above ^{cause} ~~cause~~ ^{matter} Commissioner proceeded to summon the parties
interested in reference to proof as to John W. Bailey's right
to said Judgments in the bill mentioned, and whether
or not the said Judgments have been paid.

On the 30th day of October 1871 I proceeded to take the
deposition of Elisha Smith, constantly referring thereto
had with more fully appears.

And on the 7th of November 1871 I proceeded to take the
deposition of James. Miles, and it appears that John
W. Bailey paid the note which was given for the Snodgrass
Judgments, and it further appears, that the said Elisha
Smith appropriated the proceeds to his own use agreeable to
said depositions.

I then proceeded to take the deposition of Marion. D.
Richmond, and it appears by said depositions, that John
W. Bailey's note which was given for the Lange Richmond
Judgments has not been paid.

Your Commissioner will refer your Honor to the original
return of Elisha Smith filed with the papers, it is unnecessary
for your Commissioner to express any opinion in regard to the
merits of the case.

All of which is respectfully submitted

Compt^r \$3.00 & fees

Samuel. Field Special
Commissioner

Report
With 2 Depositions
William L. Hutton Admr
vs

John & Andrew Calhoun

By Saml. Hild & Special
Commissioner

1871. Nov 28th Filed.

J. W. Orr. Clerk.

Fee paid \$3.00

Creditors Account
as

Wm L. Huntington
of Edward Callahan
dec^r.

Archives filed from
(A) to (C)

Date of Fi. Fa.	Names of Parties	Date of Judg- ment	Name of Justice giving judgment	Amount of Judgment	When returned to clerk's office	Kind of Process	to whom Delivered	Officers Return	When Returnable
	Edward Snodgrass vs Gabriel Jackson & Edmund Callahan	Feb 16th 1861.	S. C. McNeil	Judgt for \$39.32 the penalty of the bond, but to be discharged by the payment of \$15.16 with int from Nov 22nd 1860 till paid & the costs, least .60 bth .50. for April 15th 1861 by cash \$12.00	June 1st 1871.				
	Lane & Richmond vs Gabriel Jackson & Edmund Callahan	Feb 16th 1861.	S. C. McNeil	Judgt for \$24.92 the penalty of the bond, but to be discharged by the payment of \$12.46 with int from Nov 22nd 1860, till paid & the costs; least .60, bth .50.	June 1st 1871.				

Copies
Teste James W. Orr, Clerk.

Edward Snodgrass et al

vs

County Judgt Docket

Gabriel Jackson et al

Ex (Cert)

Fee for copies (40 cts)

\$25.25-

One day after date I bind myself here
to pay H. Baylor, \$25.00 Twenty five dollars
and Twenty five cents for value received
of them as witness my hand and seal
this 18th day of March 1861

Test-

Wm. H. Douthett

W. C. Callahan

Ex. 113

Excuara. Col. Horn

{ To. Note

11 25.25-

H. Bay Cr. 1/1 1/2

by the fifteenth of November next
of Lind me self to pay Silas Wolf

Twentieth five bushels of corn for value
received of him this the twenty sixth
day of December as witness my hand

and Seal

E. Daniel Callahan

Credit by E. Callahan

Seven bushels of corn

Credit by Nov 15th 1863

Susan Callahan
eighteen dollars

March 1st 1864

Take the powders in the blue paper
in Syrup or molasses as soon as The chills
leave you to day. If that does not move
the bowels in 4 or 5 hours Take enough
oil to operate - As soon as your bowels
have been moved commence taking The
medicine in The ~~vial~~ ^{of 16} Take it all at 3
doses (Taking one third of it at a time) and
let The time between each dose be 3 hours
It would be well enough to make a poultice of
ground mustard seed and lay it on The pit
of the stomach and let it remain till the skin
becomes red

W. Morgan

Edward W Callahan in account with Susan
 Callahan in 1861 March 1 too few of summer pants 2.50
 March do. 2 shirts B 2.00 Oct 2 pr Lane pants & one coat 8.50
 1862 A maring & mending twelve months 9.00
 April to two pr summer pants & 2 shirts 4.00
 Oct to two pr of Lane pants - - - 3.50
 1863 January to one Lane coat - - - 3.00
 to twelve months washing & mending 9.00
 39.50

June the 20th 1871

I do certify that I loaned Susan Callahan
 woolen gages to make Edward W. Callahan
 a coat and I saw him wear the same after
 it was made into a coat and Susan Callahan
 said me the cloth back again and it was
 my understand that she done his washing
 and mending
 Pinky King
 mark

June the 20th 1871

I do certify that I saw Susan Callahan at
 different times in the years in which
 the above account was made making close
 for Edward W. Callahan and saw him
 wear the same and I all was knowing
 to her washing for him
 Sarah J. Callahan
 mark

A J. Lee County to wit
 this day personally appeared ^{before} the under
 signed Justice of the peace in and for said
 said county Pinky King & Sarah J. Callahan
 and made oath in due form of law
 that the above certificates contained
 truth given under my hand this the 20
 of June 1871

Wm. Payne, J. P.

I hereby certify that Susan Calverham made oath
to the truth of the within account given under
my hand this 12th day of April 18.70.

Loring R. Tyler J. P.

12

(4)

Mrs. J. Hutton Admr. & Co. }
Against } Commissioners report
John & Andrew Callihan & others Defts. }
To the Honorable Henry J. Morgan Judge of the
County Court of Lee County.

Pursuant to a decree of the County Court of
Lee County made and entered in the above styled Cause
at the December Term thereof 1872 the undersigned
as Commissioner appointed by said decree of Court
has executed a Conveyance of the reversionary in-
terest of Edward Callihan deceased in the lands
of Ezekiel Callihan decd. to ^{Speak & the}
Said deed is herewith filed with this report and ^{at}
the request and direction of John Speak the
purchaser thereof and respectfully suggest that
Said Conveyance be directed to be acknowledged
and delivered for record, all of which is
heroby respectfully submitted.

David Miller
Special Commissioner

Mr. J. Hutton admr. &c.

vs. ³ Comrs.
Report.

John & Andrew Callahan
& others

1873 January 3rd. Filed.
James W. Orr, Clerk.

To the Honorable Henry J. Morgan Judge of the County
Court of Lee County:

Pursuant to a decree of the County Court of
Lee County made and entered at the ~~June~~^{September} Term thereof
1871 and another Decree of Said Court entered at the Decr.
term 1871 in the Cause in Chancery of Wm. Hutton Admin.
Hc. against John and Andrew Calliham & others pending in
Said Court the undersigned a Special Commissioner ap-
pointed by Said Decrees for the purpose after advertising
the time terms and place as required by Said decrees
proceeded at the front door of Lee Courthouse on the 3rd
Monday in February 1872 to sell the reversionary interest
of the real estate of Edward Calliham deceased it being
his undivided interest in the lands once Owned by his father
Ezekiel Calliham Sr. deceased lying and being on the waters
of Hardy's Creek and Trading Creek in Lee County Virginia
and it being the same land decreed to be sold by Said Decrees
and John Speak being the highest bidder bid the same
off for the sum of ~~Two~~ hundred dollars to be paid
in three annual payments with interest from date after
paying out of Said \$200.00 an amount sufficient to
pay the costs of the suit and expenses of sale in cash.
And the Said John Speak having complied with the terms
of the sale by paying ~~\$20.00~~ ^{\$20.00} cash towards the costs of
the suit and expenses of sale ^{except} leaving a small balance
of the costs due which I am to risk him for out of
my part of Said costs and it appearing to me that
the Said John Speak and Susan Speak his wife are the
owners of the entire claims against Said estate by purchase
or otherwise I did not deem it necessary to require of
him any bonds for the residue of the purchase money and
therefore Your Commissioner suggests that a deed of Con-
veyance be decreed to John Speak the purchaser
or to such person as he may direct and that Said

deed be admitted to record and the Cause stricken
from the docket.

David Miller

Special Commr.

And in accordance with the suggestion contained in
this report your Commissioner herewith files with this
report a deed executed by him to Speak as
directed by the purchaser John Speak.

David Miller

Special Commr.

Approved
John C. Lutton adm'r &c.

W. J. C. Comm'r. Report of Sale.

John & Andrew Callahan
and others

Filed March 15th 1872

James W. Orr, Clerk.

Notice Land For Sale.

Pursuant to a decree of the County Court of Lee County Virginia made and entered in the Cause in Chancery of William J. Hutton Admr. &c. ~~and others~~ against John and Andrew Calliham & others I as Commissioner appointed by said decree will proceed on the first day of the February County Court 1872 at the front door of Lee Court House in Jonesville Va. to sell at public outcry to the highest bidder the reversionary interest of Edward Calliham deceased in the real estate of Ezekiel Calliham Sr. deceased or a Sufficiency thereof to pay the Costs of this Suit and expenses of Sale and the debts against the estate of Edward Calliham deceased.

I will require the Costs of this Suit and expenses of Sale to be paid in Cash and for the balance I will take Bonds with Good Security payable in one two and three years with interest from date

David Miller
Special Commissioner

Please Post this on your
Stone Door & oblige yours^{tc},
J. Miller.

William J. Hutton
admr. & C.

vs. { Extract from
land assessment
of 1871.

John & Andrew
Callahan & others

Wm J. Hutton



Callahan Mary - Lee - In fee -	150 acres -	Trading Creek -	W. 7 miles -	\$ 3.00 per acre -	\$ 450.00
Same	100 "	" "	" "	3.00 " "	300.00
Same	115 "	" "	" "	3.00 " "	345.00

An extract from the last assessment of lands
in Lee County This March 15th 1872.

Teste - James W Orr, Clerk.

April 19th 1872

Received of David Miller Commissioner
in the Callahan case, the sum of \$13.40 & one
cent as special Commission. Within

Samuel Field
Special Commissioner

Samuel Field

{ Receipt for
to { \$13.40

David Miller Comr.

Lancaster Co. Va.

Nov 23rd 1871

The Estate of John Andrew Callahan
To Samuel Field Special Commissioner
To 4 hours taking depositions and report - \$3.00
12 hours making out and preparing ^{report} \$7.50 per hour 9.00
12.00

Saml. Field
Special Comr

of

\$12.00

The Commonwealth of Virginia,

TO THE SHERIFF OF LEE COUNTY—GREETING:

WE COMMAND YOU TO SUMMON *Andrew Ballaham, & John Ballaham*
and the creditors of Edward Ballaham Deceased, John speak
Susans speak his wife..

to appear before the Judge of our County Court, for Lee County, at the Court-House in the Clerk's
Office, at Rules to be holden for said Court, on the first Monday in *February* next,
to answer a bill in Chancery, exhibited in our said Court, against *them* by *William J*
Hutton Admr. of the Estate of Edward Ballaham Deceased.

And have then there this writ. Witness, *James* ~~JOHN~~ W. ORR, Clerk of our said Court, at the
Court-House, this *30th* day of *January* 187/ , in the *95th*^{year} of the
Commonwealth.

James W Orr. Clerk.

Virginia Lee County to wit:

This day William Hutton personally appeared before me the undersigned a justice of the peace in and for Lee County Virginia and made oath that some time about the 1st day of February 1871 he sent his son Mailem to the Deft. John Callahan with a copy of the writ in the within cause and he the said Mailem came back to him with the summons on which the said John Callahan had endorsed his acceptance of the service of the same and which copy is lost or mislaid and the said affiant makes this affidavit to supply the loss of the same which he returned to the County Court clerk at February rules 1871. Given under my hand this the 7th day of April 1871.

Samuel Hall J.P.

William J. Hutton Clerk

vs John in Chy

Andrew Callahan et al.

February Rules 1871.

February 1st 1871.

Executed on Andrew Callahan by delivering to him an attested office copy of the within writ.

Thos J. Brown. J.S.

for G. E. Standen. J. & L.

John Callahan not found

Thos J. Brown. J.S.

This February 1st 1871.

We acknowledge the legal service of the within writ.

John W. Spear

Thos J. Brown

The Commonwealth of Virginia,

TO THE SHERIFF OF LEE COUNTY—GREETING:

WE COMMAND YOU TO SUMMON *Andrew Callahan, & John Callahan,*
and the Creditors of Edward Callahan Deceased & John Speak
Bussan Speak, his wife, Rachael Speak, William Hutton, & Sarah in
Hutton his wife, Stephen Matlock, & Jane Matlock his wife,
Waymond Wyrick, Ellen Wyrick, & Ezekiel Wyrick, infant-heirs of
Eliza Wyrick Deceased, and William Hutton Guardian of the said
Waymond, Ellen, & Ezekiel Wyrick.

to appear before the Judge of our County Court, for Lee County, at the Court-House, in the Clerk's
Office, at Rules to be holden for said Court, on the first Monday in *May* next,
to answer a bill in Chancery, exhibited in our said Court, against *them* by *William J*
Hutton Admr of the Estate of Edward Callahan Deceased

And have then there this writ. Witness, *James* JOHN W. ORR, Clerk of our said Court, at the
Court-House, this *7th* day of *April* 1871, in the *95th* year of the
Commonwealth.

James W Orr. Clerk.

We the undersigned parties defendant in the within
Summons do hereby accept the service of the same and
herby waive the proceedings at rules in this cause, this
the 17th day of April 1871,

William J. Hutton

John C. Hutton

For William J. Hutton Agent
For William C. Hutton and ~~John C. Hutton~~ Agents

Wm. C. Hutton }
John C. Hutton }
by
Ezekiel Myers

Wm. J. Hutton their Guardian

12
William J. Hutton Adm^r
vs J. Spa in Chancery
Andrew Callahan et al

May Rules 1871.
Executed on Stephen
Matlock and Jane
Matlock by delivering
to them an attested office
copy of the within writ
Thos J. Brown D.S.
for K. L. Hamblin 836.